

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 99-CV-2496 (GK)
)	
PHILIP MORRIS, INCORPORATED,)	Next Scheduled Court Appearance: None
et al.,)	
)	
Defendants.)	

UNITED STATES' FIRST SET OF INTERROGATORIES TO DEFENDANTS

TO: DEFENDANTS PHILIP MORRIS, INC.; R.J. REYNOLDS TOBACCO CO.; BROWN & WILLIAMSON TOBACCO CORP. (directly and as successor by merger to AMERICAN TOBACCO CO.); LORILLARD TOBACCO CO.; THE LIGGETT GROUP, INC.; AMERICAN TOBACCO COMPANY (directly and as successor to the tobacco interest of AMERICAN BRANDS, INC.); PHILIP MORRIS COMPANIES, INC.; B.A.T INDUSTRIES P.L.C.; BRITISH AMERICAN TOBACCO (INVESTMENTS) LTD.; THE COUNCIL FOR TOBACCO RESEARCH – U.S.A., INC.; AND THE TOBACCO INSTITUTE, INC., AND TO YOUR ATTORNEYS

PLEASE TAKE NOTICE that pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the United States requests that you answer each of the following interrogatories in writing and under oath, and serve the answers within 60 days of service.

In responding to this request, you should be guided by the attached instructions and definitions.

INSTRUCTIONS

1. Responses to these interrogatories must include information available to a defendant, its affiliates, joint ventures, directors, officers, partners, employees, agents, subcontractors,

attorneys, investigators, successors, assignees, and any and all other persons who are acting or who have acted for or on behalf of a defendant:

2. In the event you are able to provide only part of the information called for by any particular interrogatory, provide all the information you can provide within 60 days and state the reasons for your inability to provide the remainder.
3. If you object to any portion of an interrogatory, provide all information called for by that portion of the interrogatory to which you do not object.
4. Your obligation to identify documents includes documents that no longer exist or that otherwise have been disposed of or destroyed. Identify each such document and state the date of, the circumstances, and the reason(s) for such destruction or disposal; identify the persons responsible and the persons who have knowledge of the said destruction, disposal or other circumstance; and provide all other information which would be of use in obtaining a copy or other substitute for the document(s) disposed of or destroyed.
5. An interrogatory asking you to "explain in detail," "describe in detail," "state each fact," or "state all facts" seeks disclosure of each and every fact, circumstance, condition, and thing known to you about the subject of the interrogatory containing such a phrase and full Identification and description of the source(s) of such facts, circumstances, conditions, and things, including, but not limited to, Identification of each Person having personal knowledge of each Document containing information relating to such fact, circumstance, condition, or thing, and Identification of Each Document containing information relating to such fact, circumstance, condition, or thing.

6. Answers to interrogatories asking about activities conducted by companies, entities, or persons outside your organization shall include information concerning corporate affiliates of your company and employees and officers of such corporate affiliates as well as unrelated companies or entities (and their employees and officers).
7. These interrogatories shall be continuing, and pursuant to Fed. R. Civ. P. 26(e) defendants must supplement and amend the answers when they are rendered incorrect or incomplete due to the passage of time, discovery of information, or change of intentions.
8. Unless explicitly indicated otherwise, words importing the singular include the plural, and vice versa; words used in the present tense include the future and past tense, as well as the present.

DEFINITIONS

For the purpose of these interrogatories, the following definitions apply:

1. The term "Addiction" includes addiction, habituation, dependence, tolerance, or withdrawal.
2. "Communication" means all forms of communication, however transmitted, including, for example, all written, oral, and electronic communications.
3. As used herein, the term "Date" shall mean the exact day, month, and year, if ascertainable, or, if not, the best approximation thereof, including relationship to other events.
4. "Defendants" means all defendants in this action, or when applicable in context, their parents, subsidiaries, or other related or affiliated organizations, and their officers,

directors, employees, consultants, representatives, and agents, and all other persons acting or purporting to act on their behalf.

5. "Document" means any writing or recording of any nature or description, including handwriting, typewriting, printing, photographing, photostating, e-mail, tape, wire, video, belt, or disc recording, and every other means of recording upon any tangible thing in any form, including but not limited to books, drawings, charts, graphs, photographs, phonograph records, compact discs, calendars, pocket calendars, pocket planners, diaries, correspondence, memoranda, reports, minutes, notes, records, contracts, proposals, airline tickets, checks, bills, receipts, telegrams, papers of any character, tape, wire belt, or video recordings including every copy and also drafts, proposed drafts, nonidentical copies, attachments, annexes, and appendices of each.
6. The word "Each" means each and every.
7. "Identity" and "Identify" with respect to a communication means to identify, in the manner described above, each document by which it was communicated or, if an oral communication, to state:
 - (a) The identity and title of each Person who made the communication;
 - (b) The identity and title of each Person to whom the communication was made, and by whom it was received;
 - (c) The identity and title of each Person who was in the presence of any person either making or receiving the communication at the time it was made or received;
 - (d) The date the communication was made, the place where it was made, and the place where it was received;

- (e) The substance of what each Person identified in connection with the communication said; and
 - (f) The identity of each Document referring or relating to the communication, including, for example, telephone bills, and whether it has been or will be, without the necessity of a formal request for production, made available to plaintiff for inspection and copying, and if it will not be made available, the reasons for such refusal.
8. "Identity" and "Identify" with respect to a Document means to state:
- (a) The name and title of the person(s) who prepared it;
 - (b) The name and title of the person(s) who signed it or over whose name it was issued;
 - (c) The name and title of each person to whom it was addressed or distributed;
 - (d) Its nature and substance with sufficient particularity to enable it to be identified;
 - (e) Its date and the date it was prepared;
 - (f) Each of its identifying numbers, titles, and designations; and
 - (g) Its physical location and the identity of its custodian or custodians.
9. "Identity" and "Identify" with respect to each course of action or conduct referred to, means to state: a statement of each act, event, transaction, occasion, incident, or matter that is part of the course of action or conduct including:
- (a) The date, time, and place that it occurred;
 - (b) The identity of each person participating and a statement of capacity, title, or job description of such person;

- (c) A statement of the subject matter; and
 - (d) A statement whether any notes, minutes, memoranda, or other Documents evidencing or describing the course of conduct were made and, if so, a statement identifying the notes, minutes, memoranda, or other Documents and whether the notes, minutes, memoranda, or other Documents have been or will be, without the necessity of a formal request for production, made available to plaintiff for inspection and copying, and if they will not be made available, the reasons for such refusal.
10. "Identity" and "Identify" with respect to a natural person means to state his or her:
- (a) Full name;
 - (b) Present residence address and telephone number; if unknown, state the last known residence address and telephone number, and the last known date the person resided there;
 - (c) Present employer, business address, telephone number, and job title; if unknown, state the last known business address and telephone number, and the last known date the person was employed there; and
 - (d) Employer, address, telephone number, and job title at the time of the event, transaction, or occurrence to which the interrogatory relates.
11. "Identity" and "Identify" with respect to a Person other than a natural person means to state the:
- (a) Full name;
 - (b) Present or last known address;

- (c) Date of incorporation;
 - (d) Place(s) of business at the present time and at all times relevant to the interrogatory involved;
 - (e) Type(s) of business(es) in which it is engaged at present and was engaged at all times relevant to the interrogatory involved; and
 - (f) Nature or customary business description (e.g., corporation, trust, etc.).
12. The term "Less-Hazardous Cigarette" refers to a cigarette which would, or would potentially or possibly, or was considered to possibly reduce the health risks or adverse health consequences of cigarettes. It also includes what may have been referred to as a "safer cigarette" or "alternative cigarette," or cigarettes designed or intended to reduce the risk of fire.
13. The term "Marketing" includes all activities relating to cigarettes that are intended to or are likely to be seen or heard by members of the public, including, but not limited to, advertising, merchandising, and promotional activities. The term "Marketing" does not refer to and should not be construed to include: (a) company or divisional names, when used as such within the context of an advertisement relating to cigarettes; (b) signs on factories, plans, warehouses, and other facilities related to the manufacture or storage of cigarettes; (c) corporate or financial reports; (d) written or oral communications to security holders of the company and to others who customarily receive such communications; and (e) advertising.

14. "Money," "Payment," "Compensation," "Contribution," "Expenditure," "Monies" or "Funds" means any and all forms of consideration, including but not limited to the fair market value expressed in dollars of any bartering or exchange of services.
15. The term "Organization" in these requests specifically includes all defendants in this case, whether currently operating or not, whether incorporated or not.
16. The term "Person" includes any natural person, corporation, partnership, other business association, or entity recognized by law, and the employees thereof, and any domestic or foreign government body, commission, board, agency, branch, department, component, or element thereof.
17. The term "You," "Your," "Your Company," or "Your Organization" refers to your present company or organization, all predecessors in interest, and all related companies over which you exercise or have exercised any control or any influence. In addition, these terms include, but are not limited to, all current and former employees, officers, directors, agents, attorneys, accountants, consultants, and divisions of any of the aforementioned entities, or anyone under the direction or control of the aforementioned entities.

INTERROGATORIES

INTERROGATORY NO. 1.

Identify each Person who supplied information You used in answering these interrogatories and, as to each such Person, state the information that Person supplied from personal knowledge.

1. The United States incorporates by reference the Instructions and Definitions previously served in the United States First Set of Interrogatories to All Defendants.
2. Certain Interrogatories are directed specifically to B&W and American Tobacco, and are designated "(for B&W)"; the counterparts, directed specifically to BATCo, are designated "(for BATCo)". Where the Interrogatory is not specifically designated, it is for all three Defendants.
3. The term "company research" includes research conducted, performed, funded, sponsored, or otherwise facilitated, directly or indirectly, by your company (with or without the

participation of other companies or entities) and/or its agents.

4. When asked to "[i]dentify all of the steps taken" for Interrogatory Nos. 9 through 14, identify (1) the actual steps that occurred or tasks that were performed; (2) the dates that such steps were taken (and, if applicable, when they ceased); (3) the persons, organizations, or entities meaningfully involved in devising and/or administering such steps and actions; (5) the intended results of such steps; (6) the actual results of such steps that were taken; and (7) identify any notes, minutes, memoranda, communications, or other documents evidencing or describing the steps taken. For purposes of these interrogatories, "steps" include any actions, moves policies, or procedures, transactions, occasions, or incidents, and "taken" means performed, intended, administered, or otherwise accomplished or attempted, directly or indirectly, by your company or by a person or entity acting on behalf of your company.

INTERROGATORIES

INTERROGATORY NO. 1

For the years 1950 to the present, describe your position with respect to any health effects of low "tar" cigarettes, including any changes in that position over time, identify all company research or studies relating to such position, and identify employees meaningfully involved with such position or change in position.

INTERROGATORY NO. 2

For each fact or conclusion in the Amended Complaint in this action for which you have asserted a denial or refusal to answer in any form identify all facts relating to the denial (including any facts which tend to disprove the denial) or refusal to answer, identify each person with knowledge of such facts, and identify each document and communication that demonstrates

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 99-CV-2496 (GK)
)	
PHILIP MORRIS INCORPORATED,)	
et al.,)	Next Court Appearance: January 18, 2002
)	9:45 a.m.
Defendants.)	

**UNITED STATES' SPECIFIC INTERROGATORIES TO DEFENDANTS
PHILIP MORRIS, INC., AND PHILIP MORRIS COMPANIES, INC.**

TO: DEFENDANTS PHILIP MORRIS, INC., AND PHILIP MORRIS COMPANIES, INC.,
AND TO YOUR ATTORNEYS

PLEASE TAKE NOTICE that pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the United States requests that you answer each of the following interrogatories in writing and under oath, and serve the answers within 60 days of service, pursuant to paragraph III.E.3 of the Court's Order #51.

INSTRUCTIONS

For the purpose of these interrogatories, the following instructions apply:

1. Responses to these interrogatories must include information available to a defendant, its affiliates, joint ventures, directors, officers, partners, employees, agents, subcontractors, attorneys, investigators, successors, assignees, and any and all other persons who are acting or who have acted for or on behalf of a defendant.

2. In the event you are able to provide only part of the information called for by any particular interrogatory, provide all the information you can provide within 60 days and state the reasons for your inability to provide the remainder.

3. If you object to any portion of an interrogatory, provide all information called for by that portion of the interrogatory to which you do not object.

4. Your obligation to identify documents includes documents that no longer exist or that otherwise have been disposed of or destroyed. Identify each such document and state the date of, the circumstances, and the reason(s) for such destruction or disposal; identify the persons responsible and the persons who have knowledge of the said destruction, disposal or other circumstance; and provide all other information which would be of use in obtaining a copy or other substitute for the document(s) disposed of or destroyed.

5. An interrogatory asking you to "describe," "describe in detail," or "state" seeks disclosure of each and every fact, circumstance, condition, and thing known to you about the subject of the interrogatory containing such a phrase and full Identification and description of the source(s) of such facts, circumstances, conditions, and things, including, but not limited to, Identification of each Person having personal knowledge of each Document containing information relating to such fact, circumstance, condition, or thing, and Identification of Each Document containing information relating to such fact, circumstance, condition, or thing.

6. These interrogatories shall be continuing, and pursuant to Fed. R. Civ. P. 26(e) defendants must supplement and amend the answers when they are rendered incorrect or incomplete due to the passage of time, discovery of information, or change of intentions.

7. Unless explicitly indicated otherwise, words importing the singular include the plural, and vice versa; words used in the present tense include the future and past tense, as well as the present.

8. When asked to "[i]dentify all of the steps taken" for Interrogatory Nos. 1 through 6 and 12 through 17, identify (1) the actual steps that occurred or tasks that were performed; (2) the dates that such steps were taken (and, if applicable, when they ceased); (3) the persons, organizations, or entities meaningfully involved in devising and/or administering such steps and actions; (5) the intended results of such steps; (6) the actual results of such steps that were taken; and (7) identify any notes, minutes, memoranda, communications, or other documents evidencing or describing the steps taken. For purposes of these interrogatories, "steps" include any actions, transactions, occasions, or incidents, and "taken" means performed, intended, administered, or otherwise accomplished or attempted, directly or indirectly, by your company or by a person or entity acting on behalf of your company.

DEFINITIONS

For the purpose of these interrogatories, the following definitions apply:

1. The words "and," "or," "any," and "all" shall be construed in their broadest form and the singular shall include the plural and the plural shall include the singular whenever necessary so as to bring within the scope of these Requests for production all information that might otherwise be construed to be outside their scope.

2. The term "Defendant" means either or both of the following: Philip Morris Inc. and Philip Morris Companies, Inc.

3. The term "relates to" means anything that constitutes, contains, embodies, reflects, memorializes, identifies, states, evidences, refers to, deals with, arises out of, discusses, or is in any

manner whatsoever pertinent to that subject.

4. The term "You," "Your," or "Your Company" refers to your present company, all predecessors in interest, and all related entities over which you exercise control or any influence, including, but not limited to, all current and former employees, officers, directors, agents, attorneys, accountants, consultants, and divisions of any of the aforementioned entities, or anyone under the direction or control of the aforementioned entities.

5. "Document" means any writing or recording of any nature or description, including handwriting, typewriting, printing, photographing, photostating, e-mail, tape, wire, video, belt, or disc recording, and every other means of recording upon any tangible thing in any form, including but not limited to books, drawings, charts, graphs, photographs, phonograph records, compact discs, calendars, pocket calendars, pocket planners, diaries, correspondence, memoranda, reports, minutes, notes, records, contracts, proposals, airline tickets, checks, bills, receipts, telegrams, papers of any character, tape, wire belt, or video recordings including every copy and also drafts, proposed drafts, nonidentical copies, attachments, annexes, and appendices of each.

6. The word "Each" means each and every.

7. "Money," "Payment," "Compensation," "Contribution," "Expenditure," "Monies" or "Funds" means any and all forms of consideration, including but not limited to the fair market value expressed in dollars of any bartering or exchange of services.

8. The terms "Research," "Development," and/or Research & Development (R&D)" shall have the meanings give to them in usage in the tobacco industry, and as used by Your company and shall be construed to permit the broadest inquiry into the matters sought for discovery.

9. Words that are not defined herein shall have the meanings given to them in common usage within the context in which they are used and shall be construed to permit the broadest inquiry into the matters sought for discovery.

10. All "Accord, Next, Benson & Hedges De-Nic, Merit De-Nic, and Players" products shall include all versions of these products.

11. The term "company research" includes research conducted, performed, funded, sponsored, or otherwise facilitated, directly or indirectly, by your company (with or without the participation of other companies or entities) and/or its agents.

INTERROGATORIES

INTERROGATORY NO. 1

Identify all of the steps you have taken to reduce the addictiveness of your products.

INTERROGATORY NO. 2

Identify all of the steps you have taken to minimize or eliminate the adverse health effects of your products.

INTERROGATORY NO. 3

Identify all of the steps you have taken to ensure that your advertising and marketing is not attractive to minors.

INTERROGATORY NO. 4

Identify all of the steps you have taken to warn consumers and/or the public of the addictiveness of your cigarettes and/or of nicotine.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FILE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 99-CV-02496 (GK)
)	
PHILIP MORRIS INC., <u>et al.</u> ,)	Next Schedule Court Appearance:
)	January 18, 2002
Defendants.)	

**THE UNITED STATES' FIRST SET OF REQUESTS FOR
ADMISSION TO ALL DEFENDANTS, AMENDED PURSUANT TO ORDER #119**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Order #119 of the Court (February 4, 2002), the United States of America ("United States") hereby requests that Joint Defendants and Liggett provide written answers to the following Requests for Admission.

In responding to these Requests, you should adhere to the following Instructions and Definitions:

INSTRUCTIONS

1. These Requests for Admission are directed to defendants as indicated in each Request, with each defendant designated by the following abbreviations:

PMC	Philip Morris Companies Inc.
PM	Philip Morris Inc.
RJR	R.J. Reynolds Tobacco Co.
BW	Brown & Williamson Tobacco Corp., individually and as successor in interest to American Tobacco Co.
BAT	British American Tobacco(Investments) Ltd.
LL	Lorillard Tobacco Co.
LGI	Liggett Group Inc.
CTR	The Council for Tobacco Research-U.S.A. Inc.
TI	The Tobacco Institute Inc.

2. You shall serve written responses and objections to each Request separately in the form prescribed by Federal Rule of Civil Procedure 36(a), no later than 60 days after service of these Requests.
3. These Requests are ongoing so as to require you to provide additional information as it is discovered or becomes available.
4. The parenthetical information set forth following certain Requests for Admission is not part of the Request. Instead, the information is set forth to identify the source of, or a reference to, the information for which an admission is sought, or to demonstrate the relevance of the request. In addition, headings have been included for convenience only, and are not part of the Requests.
5. Unless otherwise specified, the following Requests relate to events occurring from January 1, 1950 to the present.
6. Words that are not defined herein shall have the meanings given to them in common usage within the context in which they are used and shall be construed to permit the broadest inquiry into the matters sought for discovery.

DEFINITIONS

1. Unless explicitly indicated otherwise, words importing the singular include and apply to several persons, parties, or things; words importing the plural include the singular; words used in the present tense include the future as well as the present.
2. The term "addiction" includes dependence, and the term "addictive" includes "dependence-producing."
3. The words "and," "or," "any," and "all" shall be construed in their broadest form and the

singular shall include the plural and the plural shall include the singular whenever necessary so as to bring within the scope of these Requests for production all information that might otherwise be construed to be outside their scope.

4. The term "communication" means all forms of communication, however transmitted, including, for example, all written, oral, and electronic communications, and incorporates the definition of document in the Federal Rules of Civil Procedure. The term also includes all documents memorializing any communications, and all documents appended to or included as an attachment to any communication.
5. The term "Complaint" means the Complaint filed in United States v. Philip Morris Inc., et al., Civ. No. 99-CV-02496 (GK) (D.D.C.).
6. The term "Defendant" means any or all of the following: Philip Morris Inc.; Philip Morris Companies Inc.; R.J. Reynolds Tobacco Co.; American Tobacco Co.; Brown & Williamson Tobacco Corp.; British American Tobacco (Investments) Ltd.; Lorillard Tobacco Co. Inc.; Liggett and Myers Inc.; The Council for Tobacco Research U.S.A. Inc.; and the Tobacco Institute Inc.
7. The term "environmental tobacco smoke" ("ETS") is used interchangeably with the terms "sidestream smoke" and "secondhand smoke."
8. The term "less hazardous cigarette" refers to a cigarette which would, or would potentially or possibly, or was considered to possibly, reduce the health risks or health consequences of cigarette smoking. It also includes what may have been referred to as a "safer cigarette" or "alternative cigarette."
9. The term "low tar/low nicotine" includes "low tar," "low nicotine," "lowered tar,"

“lowered nicotine,” “light,” “ultralight,” and “mild” tobacco products, and any other similar term for products that yield 15 mg of tar or less by the FTC test method.

10. The term “marketing” includes marketing, advertising, and promotion.
11. The term “person” includes any natural person, corporation, partnership, other business association, or any other entity, and the employees, agents, or independent contractors thereof, and any domestic or foreign government body, commission, board, agency, branch, department, component, or element thereof.
12. The term “persons under the age of 21” includes reference to any class or set of people that includes at least one person under the age of 21.
13. The term “related to” means anything that constitutes, contains, embodies, reflects, memorializes, identifies, states, evidences, refers to, deals with, arises out of, discusses, or is in any manner whatsoever pertinent to that subject.
14. The term “you,” “your,” or “your organization” refers to your present company or organization, all predecessors in interest, and all related companies over which you exercise control or any influence, including, but not limited to, all current and former employees, officers, directors, agents, attorneys, accountants, consultants, and divisions of any of the aforementioned entities, or anyone under the direction or control of the aforementioned entities. Reference to “organization” in these Requests specifically includes all Defendants in this case, whether currently operating or not, whether incorporated or not.